

1 Mail Stop Interference  
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Paper 1  
Filed: September 14, 2010

6  
7 UNITED STATES PATENT AND TRADEMARK OFFICE  
8  
9

10 BEFORE THE BOARD OF PATENT APPEALS  
11 AND INTERFERENCES  
12  
13

14 GLENN W. CONNERY, GARY JASZEWSKI and RICHARD REID  
15 Junior Party  
16 (Patent 6,246,683),  
17 v.  
18 LAURENCE B. BOUCHER, STEPHEN E. BLIGHTMAN, PETER K.  
19 CRAFT, DAVID A. HIGGEN, CLIVE M. PHILBRICK and  
20 DARYL D. STARR  
21 Senior Party  
22 (Application 09/692,561).  
23  
24

25 Patent Interference No. 105,775 (JL)  
26 (Technology Center 2400)  
27  
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29 DECLARATION – Bd.R. 203(b)<sup>1</sup>  
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<sup>1</sup> "Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

1           Part A. Declaration of interference  
2           An interference is declared (35 U.S.C. § 135(a)) between the above-  
3         identified parties. Details of the application(s), patent (if any), reissue  
4         application (if any), count(s) and claims designated as corresponding or as  
5         not corresponding to the count(s) appear in Parts E and F of this  
6         DECLARATION.

7           Part B. Judge managing the interference  
8           Administrative Patent Judge Jameson Lee has been designated to  
9         manage the interference. Bd. R. 104(a).

10          Part C. Standing order  
11          A Trial Section STANDING ORDER [SO] (Paper 2) accompanies  
12         this DECLARATION. The STANDING ORDER applies to this  
13         interference.

14          Part D. Initial conference call  
15          A telephone conference call to discuss the interference is set for 1:00  
16         p.m. on November 4, 2010 (the Board will initiate the call).  
17          No later than four business days prior to the conference call, each  
18         party shall file and serve (SO ¶¶ 10.1 & 105) a list of the motions (Bd. R.  
19         120; Bd. R. 204; SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

- 1 A sample schedule for taking action during the motion phase appears
- 2 as Form 2 in the STANDING ORDER. Counsel is encouraged to discuss the
- 3 schedule prior to the conference call and to agree on dates for taking action.
- 4 A typical motion period lasts approximately eight (8) months. Counsel
- 5 should be prepared to justify any request for a shorter or longer period.

#### **Part E. Identification and order of the parties**

## Junior Party

Named Inventors: GLENN W. CONNERY, Sunnyvale, California

GARY JASZEWSKI, Los Gatos, California

RICHARD REID, Mountain View, California

**Involved Patent:** 6,246,683 issued June 12, 2001, based on application 09/071,692 filed May 1, 1998.

## Title: Receive Processing with Network Protocol Bypass

Assignee: 3COM CORPORATION

## Senior Party

Named Inventors: LAURENCE B. BOUCHER, Saratoga, California

STEPHEN E. BLIGHTMAN San Jose, California

PETER K. CRAFT San Francisco, California

DAVID A. HIGGEN, Saratoga, California

CLIVE M. PHILBRICK, San Jose, Calif.

CLIVE M. PHILBRICK, San Jose, California

DARYL D. STARR, Milpitas, California

Involved Application: 09/692,561 filed October 18, 2000.

**Title:** Intelligent Network Interface System and Method  
for Accelerated Protocol Processing

Assignee: ALACRITECH, INC.

The senior party is assigned exhibit numbers 1001-1999. The junior

party is assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO ¶

154.2.1. The senior party is responsible for initiating settlement discussions.

SO ¶ 126.1.

#### **Part F. Count and claims of the parties**

### Count 1

Boucher's Claim 41

or

## Connery's Claim 1

### Count 2

Boucher's Claim 44

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#### Connery's Claim 4

### Count 3

Boucher's Claim 45

or

### Connery's Claim 3

The claims of the parties which correspond to Count 1 are:

Boucher: 41-43, 48 and 49

Connery: 1-3, 8 and 9

The claims of the parties which correspond to Count 2 are:

Boucher: 44

Connery: 4

The claims of the parties which correspond to Count 3 are:

Boucher: 45-47

Connery: 5-7

The claims of the parties which do not correspond to Count 1 are:

Boucher: 44-47

Connery: 4-7

The claims of the parties which do not correspond to Count 2 are:

Boucher: 41-43 and 45-49

Copperry: 1-3 and 5-20

1           The claims of the parties which do not correspond to Count 3 are:

2           Boucher:         41-44, 48 and 49

3           Connery:         1-4 and 8-20

4           The parties are accorded the following benefit for Count 1:

5           Boucher:         Application 09/067,544, filed April 27,  
6                             1988, now Patent 6,226,680, issued May 1,  
7                             2001; and

8                             Provisional Application 60/061,809, filed  
9                             October 14, 1997.

10          Connery:         None

11          The parties are accorded the following benefit for Count 2:

12          Boucher:         Application 09/067,544, filed April 27,  
13                             1988, now Patent 6,226,680, issued May 1,  
14                             2001; and

15                             Provisional Application 60/061,809, filed  
16                             October 14, 1997.

17          Connery:         None

18          The parties are accorded the following benefit for Count 3:

19          Boucher:         Application 09/067,544, filed April 27,  
20                             1988, now Patent 6,226,680, issued May 1,  
21                             2001; and

22                             Provisional Application 60/061,809, filed  
23                             October 14, 1997.

24          Connery:         None

#### **Part G. Heading to be used on papers**

The following heading must be used on all papers filed in this interference, see SO ¶ 106.1.1:

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

GLENN W. CONNERY, GARY JASZEWSKI and RICHARD REID  
Junior Party  
(Patent 6,246,683)

v

LAURENCE B. BOUCHER, STEPHEN E. BLIGHTMAN, PETER K.  
CRAFT, DAVID A. HIGGEN, CLIVE M. PHILBRICK and  
DARYL D. STARR  
Senior Party  
(Application 09/692,561)

Patent Interference No. 105,775 (JL)  
(Technology Center 2400)

#### Part H. Order form for requesting file copies

When requesting copies of files, use of SO Form 4 will greatly

4 expedite processing of the request. Please attach a copy of Parts E and F of  
5 this DECLARATION with a hand-drawn circle around the patents and  
6 applications for which a copy of a file wrapper is requested.

7

/ss/ Jameson Lee  
Administrative Patent Judge

Enc:

## Copy of STANDING ORDER

14 Revised 3 January 2006

1 cc (via overnight delivery):

2 Attorney for Connery:

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